

1 W. BENJAMIN FISHEROW - DC Bar No.: 964734

2 Deputy Chief

3 Environmental Enforcement Section

4 ANGELA MO

5 Trial Attorney

6 BRADLEY R. O'BRIEN

7 Senior Attorney

8 Environmental Enforcement Section

9 Environment and Natural Resources Division

10 United States Department of Justice

11 601 D Street, NW

12 Washington, DC 20004

13 Tel.: (202) 514-2750

14 Fax: (202) 514-0097

15 Email: Benjamin.fisherow@usdoj.gov

16 Angela.mo@usdoj.gov

17 Brad.obrien@usdoj.gov

18 Attorneys for Plaintiff United States of America

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 UNITED STATES OF AMERICA,

23 Plaintiff,

24 and

25 COMMUNITIES FOR A BETTER ENVIRONMENT

26 Intervenor-Plaintiff,

27 v.

28 PACIFIC GAS and ELECTRIC COMPANY,

Defendant.

Civil Action No. 09-4503 SI

STIPULATION FOR
BRIEFING SCHEDULE AND
TO EXTEND PAGE LENGTH
AND [PROPOSED] ORDER

Subject to the Court's approval, the parties hereby stipulate to the following briefing schedule and extended page length limitations relating to the United States' Notice of Lodging of Consent Decree and subsequent memorandum ("United States' Memorandum") that will respond

Stipulation for Briefing Schedule and to Extend Page Length and [Proposed] Order –
Civil Action No. 09-4503 SI

1 to public comments and recommend that the Court take a certain action in regard to the lodged
2 Consent Decree.

3 1. On September 24, 2009, the United States concurrently filed a Complaint and
4 lodged a proposed Consent Decree to resolve the claims alleged in the United States' Complaint.
5 Upon lodging the Consent Decree, the United States informed the Court that notice of the
6 proposed settlement would be published in the Federal Register requesting comments from the
7 public on the Consent Decree. The United States published the original notice of the lodging of
8 the Consent Decree in the Federal Register on October 5, 2009 (74 Fed. Reg. 57703). The
9 United States extended the public comment period after meeting with citizens that sought
10 additional information on the proposed settlement. (See 74 Fed. Reg. 51170-51171). The
11 extended public comment period closed in January, 2010.

12 2. The United States previously informed the Court that public comments had been
13 received and that the United States was in the process of reviewing and considering the
14 information provided. The United States also stated that after the review of public comments is
15 completed, the United States would file a pleading with the Court requesting the Court to enter,
16 not enter, or take other action concerning the proposed Consent Decree.

17 3. Prior to May 14, 2010, the United States intends to file the United States'
18 Memorandum that will respond to the public comments and recommend that the Court take a
19 certain action in regard to the lodged Consent Decree.

20 4. In order to adequately address and respond to these public comments and to allow
21 the United States to fully inform the Court of the nature of these comments, the United States
22 requested, and the parties have agreed to, this stipulation that the United States' Memorandum
23 may not exceed 40 pages in length, or 15 pages longer than permitted by LR 7-4.

24 5. The Parties further stipulate as follows:

25 a. Communities for a Better Environment ("CBE") may file, within 30 days
26 of the filing of the United States' Memorandum, a responsive memorandum not to exceed 40
27 pages in length.
28

b. Pacific Gas and Electric Company ("PG&E") may file, within 30 days of the filing of the United States' Memorandum, a responsive memorandum not to exceed 25 pages.

c. The parties may each file, within 21 days of the filing of the last-filed of the responsive memoranda of CBE and PG&E, a reply memorandum not to exceed 25 pages.

6. The parties reserve their rights and may seek additional scheduling guidance from the Court.

7. Subject to the Court's schedule, the parties propose that a hearing on the United States' Memorandum be held approximately 30 days after the date on which the reply memoranda are due.

IT IS SO STIPULATED.

I, Bradley R. O'Brien, attest that concurrence in the filing of this joint stipulation has been obtained from Gerald F. George, an attorney for Defendant PG&E, and Helen H. Kang, an attorney for Intervenor-Plaintiff CBE.

FOR THE UNITED STATES OF AMERICA

Date April 30, 2010

/s/Bradley R. O'Brien
W. BENJAMIN FISHEROW
ANGELA MO
BRADLEY R. O'BRIEN
United States Department of Justice

1 FOR PACIFIC GAS and ELECTRIC COMPANY

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3 Date April 30, 2010

/s/Gerald F. George
GERALD F. GEORGE
Pillsbury Winthrop Shaw Pittman LLP

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7 FOR COMMUNITIES FOR A BETTER ENVIRONMENT

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9 Date April 30, 2010

/s/Helen H. Kang
HELEN H. KANG
DEBORAH N. BEHLES
ADRIENNE BLOCH
Communities for a Better Environment

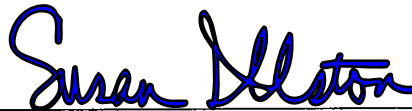
[PROPOSED] ORDER

GOOD CAUSE APPEARING,

1. The United States is permitted to file a Memorandum 40 pages in length, or 15 pages longer than permitted by LR 7-4, that will respond to public comments and recommend that the Court take a certain action in regard to the lodged Consent Decree. Communities for a Better Environment is permitted to file a responsive memorandum not to exceed 40 pages in length to the United States Memorandum, and Pacific Gas & Electric Company is permitted to file a responsive memorandum not to exceed 25 pages in length to the United States' Memorandum. The parties are each permitted to file a reply memorandum not to exceed 25 pages in length.

2. Communities for a Better Environment's and Pacific Gas & Electric Company's responses to the United States' Memorandum shall be filed within 30 days of the filing of the United States' Memorandum, and the parties' reply memoranda shall be due 21 days thereafter.

PURSUANT TO STIPULATION, IT IS SO ORDERED.



SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

Date

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